

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

TRENTON GARTMAN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	2:18cv534-MHT
	)	(WO)
PATRICK CHEATHAM, an	)	
Individual, et al.,	)	
	)	
Defendants.	)	

ORDER

It is ORDERED that:

(1) The motion to strike, exclude, and disqualify Michael D. McMunn, R.N., as an expert, including both of his Rule 26 reports (Doc. 162) is denied as moot to the extent it is brought by defendants QCHC, Inc. and Latechia Ball because they have been terminated as parties to this action in light of the dismissal of all claims against them.

(2) The motion to strike, exclude, and disqualify Michael D. McMunn, R.N., as an expert, including both

of his Rule 26 reports (Doc. 162) is denied to the extent it is brought by defendant Lisa Brady and applies to the issues presented in her pending motion for summary judgment (Doc. 168). McMunn's reports and deposition were not considered in resolving the motion for summary judgment.

(3) The motion to strike, exclude, and disqualify Michael D. McMunn, R.N., as an expert, including both of his Rule 26 reports (Doc. 162), to the extent it is brought by defendant Brady and applies to plaintiff Trenton Gartman's use of McMunn as an expert at trial, will be set for hearing at the trial. The court believes a live *Daubert* hearing would help in resolving the motion in this regard. Based on the representations made at the pretrial hearing on March 9, 2022, plaintiff Gartman is allowed until March 16, 2022, to notify the court in writing whether he will call McMunn as an expert witness. If plaintiff Gartman indicates he will call McMunn, the court will then

decide when and how to conduct the *Daubert* hearing.

DONE, this the 9th day of March, 2022.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE